

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION**

MATT NASUTI,

Plaintiff,

v.

WALMART, INC.,

Defendant.

CASE NO. 5:20-CV-05023

**DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT**

Defendant Walmart, Inc. ("Walmart") pursuant to Federal Rule of Civil Procedure 56 moves for summary judgment against Plaintiff Matt Nasuti's claims. Summary judgment is warranted because there is no genuine dispute of material fact, and the undisputed facts show that plaintiff's claims fail as a matter of law and should be dismissed with prejudice for the reasons more fully set forth in its supporting Memorandum filed herewith and incorporated by reference.

WHEREFORE, Walmart respectfully requests that the Court grant its motion, dismiss Plaintiff's claims with prejudice at Plaintiff's costs, award Defendant reasonable attorney's fees incurred in defending the case and other relief the Court considers appropriate.

Dated this 16th day of August, 2021.

WALMART INC., Defendant.

By: s/Christopher R. Hedican
Christopher R. Hedican (SD# 3659)
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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on August 16th, 2021, I served the foregoing document via US first class mail to:

Matt Nasuti
1211 S. Rhode Island Ave.
Mason City, IA 50401

/s/ Christopher R. Hedican